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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Chu et al.

Confirmation No.: 5523

Serial No.: 10/736,947

Group Art Unit: 2856


Filed: 12/16/2003

Examiner: John P. Fitzgerald

Title: METHOD, SYSTEM AND PROGRAM PRODUCT FOR MONITORING RATE OF VOLUME CHANGE OF COOLANT WITHIN A COOLING SYSTEM

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 17, 2004.

  
Kevin P. Radigan, Esq.  
Attorney for Applicants  
Registration No.: 31,789

Date of Signature: December 17, 2004.

To: Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Response to Office Action

Dear Sir:

This paper is filed in response to the Election Requirement under 35 U.S.C. §121 contained in the Office Action dated November 18, 2004, in connection with the above-designated application. In the Office Action, an election of species requirement is stated as follows:

- 1) The species of FIG. 3;
- 2) The species of FIG. 4; and
- 3) The species of FIG. 5A.

In response to the species election requirement, Applicants hereby provisionally elect with traverse the subject matter of Species (3) (i.e., FIG. 5A). All pending claims are believed to read on Species (3).

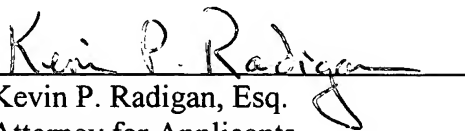
The above provisional election of Species (3) is submitted in compliance with 35 U.S.C. §121 and is made without prejudice to the non-elect Species.

Applicants respectfully traverse the species election requirement. One of the requirements for an election/restriction to be proper, is that there must be a burden on the Patent Office to examine the claims together. If there is no burden, then restriction, regardless of the content of the claims, is not proper. (See M.P.E.P. §803). In this case, no evidence of the burden of the Patent Office is provided in support of the required species election. Applicants respectfully submit that a complete search of any species should entail an examination of the classes and subclasses for the other species. Thus, because of the closeness of the subject matter, and the probable overlapping searches, Applicants respectfully submit that there would be little additional burden on the Examiner to examine all species together. This is particularly since there is a heavy burden on Applicants to file, prosecute and maintain multiple patents when only one is necessary. This burden on the Applicants is fair when not electing/restricting would truly burden the U.S. Patent Office, but it is unfair if there is no serious burden placed on the Examiner in examining the species together.

Accordingly, Applicants request reconsideration and withdrawal of the outstanding species election requirement.

An action on the merits of all claims and a Notice of Allowance therefore, are respectfully requested.

Respectfully submitted,

  
Kevin P. Radigan, Esq.  
Attorney for Applicants  
Registration No.: 31,789

Dated: December 17, 2004.

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**AMENDMENT TRANSMITTAL LETTER (Large Entity)**

Applicant(s): Chu et al.

Docket No.

POU920030165US1

Application No.

10/736,947

Filing Date

12/16/2003

Examiner

John P. Fitzgerald

Customer No.

46369

Group Art Unit

2856

Confirmation No.

5523

Invention: **METHOD, SYSTEM AND PROGRAM PRODUCT FOR MONITORING RATE OF VOLUME CHANGE OF COOLANT WITHIN A COOLING SYSTEM**

DEC 22 2004

**COMMISSIONER FOR PATENTS:**

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

**CLAIMS AS AMENDED**

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	20 -	20 =	0 x	\$200.00	\$0.00
INDEP. CLAIMS	3 -	3 =	0 x	\$50.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

- ☒ No additional fee is required for amendment.
- ☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_
- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account **09-0463 (IBM)**
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.
- ☐ Payment by credit card. Form PTO-2038.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

*Kevin P. Radigan*  
Signature

Kevin P. Radigan, Esq.  
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Dated: December 17, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

12/ 17 /2004

(Date)

*Kevin P. Radigan*

Signature of Person Mailing Correspondence

Kevin P. Radigan, Esq.

Typed or Printed Name of Person Mailing Correspondence

cc: